

those portions of land lying within the bed of or within 300 feet of the ordinary high waterline of either or both of these water courses for purposes associated with mineral or other development or activity if they would cause or are likely to cause erosion or siltation of either water course to an extent that would significantly adversely impact water quality or fish habitat.

“(5) RIGHTS RETAINED BY THE UNITED STATES.—With respect to conveyances authorized in paragraph (3), the following rights are retained by the United States:

“(A) To enter upon the conveyance lands, after providing reasonable advance notice in writing to Elim and after providing Elim with an opportunity to have a representative present upon such entry, in order to achieve the purpose and enforce the terms of this paragraph and paragraphs (4) and (6).

“(B) To have, in addition to such rights held by Elim, all rights and remedies available against persons, jointly or severally, who cut or remove Merchantable Timber for sale.

“(C) In cooperation with Elim, the right, but not the obligation, to reforest in the event previously existing Merchantable Timber is destroyed by fire, wind, insects, disease, or other similar manmade or natural occurrence (excluding manmade occurrences resulting from the exercise by Elim of its lawful rights to use the Conveyance Lands).

“(D) The right of ingress and egress over easements under section 17(b) for the public to visit, for noncommercial purposes, hot springs located on the Conveyance Lands and to use any part of the hot springs that is not commercially developed.

“(E) The right to enter upon the lands containing hot springs for the purpose of conducting scientific research on such hot springs and to use the results of such research without compensation to Elim. Elim shall have an equal right to conduct research on the hot springs and to use the results of such research without compensation to the United States.

“(F) A covenant that commercial development of the hot springs by Elim or its successors, assigns, or grantees shall include the right to develop only a maximum of 15 percent of the hot springs and any land within ¼ mile of the hot springs. Such commercial development shall not alter the natural hydrologic or thermal system associated with the hot springs. Not less than 85 percent of the lands within ¼ mile of the hot springs shall be left in their natural state.

“(G) The right to exercise prosecutorial discretion in the enforcement of any covenant, reservation, term or condition shall not waive the right to enforce any covenant, reservation, term or condition.

“(6) GENERAL.—

“(A) MEMORANDUM OF UNDERSTANDING.—The Secretary and Elim shall, acting in good faith, enter into a Memorandum of Understanding (hereinafter referred to as the ‘MOU’) to implement the provisions of this subsection. The MOU shall include among its provisions reasonable measures to protect plants and animals in the hot springs on the Conveyance Lands and on the land within ¼ mile of the hot springs. The parties shall agree to meet periodically to review the matters contained in the MOU and to exercise their right to amend, replace, or extend the MOU. Such reviews shall include the authority to relocate any of the easements set forth in subparagraph (D) if the parties deem it advisable.

“(B) INCORPORATION OF TERMS.—Elim shall incorporate the covenants, reservations, terms and conditions, in this subsection in any deed or other legal instrument by which it divests itself of any interest in all or a

portion of the Conveyance Lands, including without limitation, a leasehold interest.

“(C) SECTION 17(b) EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve in the conveyance to Elim easements to the United States pursuant to subsection 17(b) that are not in conflict with other easements specified in this paragraph.

“(D) OTHER EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve easements which shall include the right of the public to enter upon and travel along the Tubutulik River and Clear Creek within the Conveyance Lands. Such easements shall also include easements for trails confined to foot travel along, and which may be established along each bank of, the Tubutulik River and Clear Creek. Such trails shall be 25 feet wide and upland of the ordinary high waterline of the water courses. The trails may deviate from the banks as necessary to go around man-made or natural obstructions or to portage around hazardous stretches of water. The easements shall also include one-acre sites along the water courses at reasonable intervals, selected in consultation with Elim, which may be used to launch or take out water craft from the water courses and to camp in non-permanent structures for a period not to exceed 24 hours without the consent of Elim.

“(E) INHOLDERS.—The owners of lands held within the exterior boundaries of lands conveyed to Elim shall have all rights of ingress and egress to be vested in the inholder and the inholder’s agents, employees, co-venturers, licensees, subsequent grantees, or invitees, and such easements shall be reserved in the conveyance to Elim. The inholder may not exercise the right of ingress and egress in a manner that may result in substantial damage to the surface of the lands or make any permanent improvements on Conveyance Lands without the prior consent of Elim.

“(F) IDITAROD TRAIL.—The Bureau of Land Management may reserve an easement for the Iditarod National Historic Trail in the conveyance to Elim.

“(7) IMPLEMENTATION.—There are authorized to be appropriated such sums as may be necessary to implement this subsection.”

SEC. 2. COMMON STOCK TO ADOPTED-OUT DESCENDANTS.

Section 7(h)(1)(C)(iii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)(1)(C)(iii)) is amended by inserting before the period at the end the following: “, notwithstanding an adoption, relinquishment, or termination of parental rights that may have altered or severed the legal relationship between the gift donor and recipient”.

SEC. 3. DEFINITION OF SETTLEMENT TRUST.

Section 3(t)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(t)(2)) is amended by striking “sole” and all that follows through “Stock” and inserting “benefit of shareholders, Natives, and descendants of Natives,”.

AMENDING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

The Senate proceeded to consider the bill (S. 1797) to amend the Alaska Native Claims Settlement Act, to provide for a land conveyance to the City of Craig, AK, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION. 1. LAND EXCHANGE WITH CITY OF CRAIG, ALASKA.

(a) At such time as Congress appropriates funds sufficient for the Secretary of Agriculture to acquire non-Federal lands within conservation system units on the Tongass National Forest, the Secretary shall convey to the City of Craig, Alaska, all Federal interests in the lands identified in subsection (b): *Provided*, That the lands conveyed to the City of Craig shall be of equal value to the lands acquired by the Secretary of Agriculture pursuant to this subsection.

(b) The approximately 4,532 acres of Federal lands to be conveyed to the City of Craig are described as follows:

(1) All Federal land in the following described protracted and partially surveyed townships in the Copper River Meridian, Alaska:

(A) Within T. 71 S., R. 81 E—

Section 24, E½;

Section 25, E½, S½ SW¼;

Section 36.

Containing 1360 acres, more or less;

(B) Within T. 71 S., R. 82 E—

Section 19, S½ SW¼;

Section 29, W¼ NW¼, N½ SW¼;

Section 30, All;

Section 31, All.

Containing 1500 acres, more or less; and

(C) Within T. 72 S., R. 82 E—

Section 5, SW¼ NW¼, W½, SW¼;

Section 6, All;

Section 7, NE¼ NE¼;

Section 8, W½, SW¼ SE¼;

Section 17, NW¼ NW¼, E½ NW¼, NE¼ SW¼, W½ NE¼, NW¼ SE¼, S½ SE¼;

Section 20, NE¼.

Containing 1672 acres, more or less.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1797), as amended, was passed.

The title was amended so as to read:

A bill to provide for a land conveyance to the City of Craig, Alaska, and for other purposes.

VALLES CALDERA PRESERVATION ACT

The Senate proceeded to consider the bill (S. 1892) to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—VALLES CALDERA NATIONAL PRESERVE AND TRUST

SEC. 101. SHORT TITLE.

This title may be cited as the “Valles Caldera Preservation Act”.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Baca ranch comprises most of the Valles Caldera in central New Mexico, and constitutes a unique land mass, with significant scientific, cultural, historic, recreational, ecological, wildlife, fisheries, and productive values;

(2) the Valles Caldera is a large resurgent lava dome with potential geothermal activity;

(3) the land comprising the Baca ranch was originally granted to the heirs of Don Luis Maria Cabeza de Vaca in 1860;

(4) historical evidence, in the form of old logging camps and other artifacts, and the